

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 1:24mj03296 Goodman

FILED BY TS D.C.

Jul 1, 2024

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - Miami

UNITED STATES OF AMERICA

v.

DIEGO CALLE,

Defendant.

CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek M. Maynard)? No.
2. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to October 3, 2019 (Mag. Judge Jared M. Strauss)? No.
3. Did this matter involve the participation of or consultation with now Magistrate Judge Eduardo I. Sanchez during his tenure at the U.S. Attorney's Office, which concluded on January 22, 2023? No.
4. Did this matter involve the participation of or consultation now Magistrate Judge Marta Fulgueira Elfenbein during her tenure at the U.S. Attorney's Office, which concluded on March 5, 2024? No.

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

By: s/Brianna Coakley
Brianna Coakley
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UNITED STATES DISTRICT COURT

for the

Southern District of Florida

United States of America

v.

DIEGO CALLE,

Case No. 1:24mj03296 Goodman

*Defendant.***CRIMINAL COMPLAINT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of between 11/2022 and 06/28/2024 in the county of Miami-Dade in the
Southern District of Florida and elsewhere, the defendant(s) violated:

*Code Section**Offense Description*

18 U.S.C § 2251(a) and (e)

Attempted Production of Visual Depictions Involving Sexual Exploitation of Minors

18 U.S.C. § 2252(a)(1) and (b)(1)

Transportation of Material Involving Sexual Exploitation of Minors

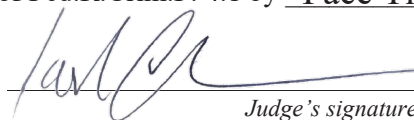
This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT.

☒ Continued on the attached sheet.

Complainant's signature

Kenny Silva, Special Agent HSI

*Printed name and title*Attested to by the Applicant in accordance with the requirements of Fed.R.Crim.P. 4.1 by Face TimeDate: 6/29/24

*Judge's signature*City and state: Miami, Florida

Honorable Jonathan Goodman, United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Kenny Silva, being duly sworn, hereby depose and state as follows:

AGENT BACKGROUND AND INTRODUCTION

1. I am a Special Agent with the United States Department of Homeland Security (“DHS”), Homeland Security Investigations (“HSI”), assigned to the Miami Office. I have been employed as an HSI Special Agent since February 2005. I am currently assigned to the Child Exploitation Investigations Group. My duties and responsibilities include investigating crimes involving the sexual exploitation of minors, such as offenses involving travel in foreign commerce to engage in sexually explicit conduct with minors, and offenses involving the production, possession, and transportation of child pornography. I have conducted and assisted in numerous child exploitation investigations.

2. During these investigations, I have reviewed still images and videos containing child pornography and images depicting minor children engaged in sexually explicit conduct on all forms of electronic media including computers, digital cameras, and wireless telephones, and have discussed and reviewed these materials with other law enforcement officers. I have received training in the area of child pornography and child exploitation, and, during the course of my duties, I have observed and reviewed examples of child pornography. I have also conducted child pornography and child exploitation investigations, which have involved reviewing examples in all forms of media including computer media and have discussed and reviewed these materials with other law enforcement officers.

3. I am a law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18, United States Code. That is, I am an officer of the United States who is empowered by law to conduct investigations of, and make arrests for, violations of federal law,

including the offenses enumerated in Title 18, United States Code, Sections 2422, 2423, 2251, and 2252.

4. I submit this Affidavit for the limited purpose of establishing probable cause that Diego CALLE (“CALLE”) has violated Title 18, United States Code, Sections 2251(a) and (e), Attempted Production of Visual Depictions Involving Sexual Exploitation of Minors, and 2252(a)(1) and (b)(1), Transportation of Material Involving Sexual Exploitation of Minors.

5. The statements contained in this Affidavit are based on my personal knowledge, as well as information provided by other individuals, including other law enforcement officials, and my review of records and other evidence obtained during the course of this investigation. I have not included each and every fact known to me and to other law enforcement officers involved in this investigation, but only the facts sufficient to establish probable cause.

FACTUAL BACKGROUND

6. On June 28, 2024, CALLE, a 59-year-old Virginia resident, entered the United States at Miami International Airport (“MIA”) via American Airlines Flight 1142 from Cali, Colombia. Travel records show that CALLE traveled out of MIA to Cali, Colombia on May 14, 2024, via American Airlines Flight 921.

7. Upon arriving at MIA, on June 28, 2024, U.S. Customs and Border Protection (“CBP”) officers selected CALLE for secondary inspection. During secondary inspection, CBP inspected CALLE’s personal property including an Apple iPhone 15. CALLE told CBP that he owned the iPhone and provided CBP with the passcode for the device.

8. CBP subsequently conducted a manual inspection of the iPhone pursuant to border search authority and discovered numerous images and videos of suspected child sexual abuse

material (“CSAM”). Some of these images and videos were discovered in the recently deleted folder and others were located in the WhatsApp application on the iPhone.

9. In WhatsApp, suspected CSAM was located in two different text chains (“TEXT CHAIN 1” and “TEXT CHAIN 2”).

10. In TEXT CHAIN 1, CALLE communicated with an individual who told CALLE she was a 16-year-old female (“MINOR VICTIM 1”) who lived in Colombia.

11. CALLE requested multiple images and videos from MINOR VICTIM 1 depicting her engaged in sexually explicit conduct. In response, MINOR VICTIM 1 sent multiple images and videos of herself engaged in sexually explicit conduct. The images and videos were located in TEXT CHAIN 1 and the recently deleted folder on CALLE’s phone.

12. In a WhatsApp conversation between CALLE and MINOR VICTIM 1 that occurred on or about June 30, 2023, MINOR VICTIM 1 shared with CALLE a picture of her Colombian government-issued identification. According to the date of birth on the identification, MINOR VICTIM 1 was 15 years old when communication began with CALLE and 16 years old when she sent images and videos to CALLE depicting herself engaged in sexually explicit conduct. MINOR VICTIM 1’s age has not yet been verified.

13. In another message on or about November 23, 2023, CALLE acknowledges knowing that MINOR VICTIM 1 is a minor by writing, “I know that you are 16 years old and that for now I cannot be with you, but in 2 years you will be of legal age and you will be free to make your own decisions. I want to wait those two years and in the meantime, I want you to be my friend and I will help you with whatever you need.”

14. Your Affiant viewed the files in TEXT CHAIN 1 and the recently deleted folder. The deleted folder contains four videos and three photos of MINOR VICTIM 1, including:

- i. an image depicting MINOR VICTIM 1 bent over and exposing her vagina as reflected in a mirror;
- ii. a video depicting MINOR VICTIM 1 undressing and exposing her vagina;
- iii. a video depicting MINOR VICTIM 1 bent over, exposing her vagina, and masturbating;
- iv. a video depicting MINOR VICTIM 1 with her legs spread while masturbating;
- v. a video depicting MINOR VICTIM 1 masturbating.

15. The conversations with MINOR VICTIM 1 are in Spanish. Your Affiant is a native Spanish speaker and has translated the communications for purposes of this Affidavit. CALLE sent MINOR VICTIM 1 both text messages and voice memos via WhatsApp.

16. In a conversation beginning on or about November 26, 2023, CALLE writes:

CALLE	Take that same picture from behind, to see your backside.
MINOR VICTIM 1	Tomorrow after I shower. I'll send it early.
CALLE	Totally nude? Front and back?
MINOR VICTIM 1	Yes
CALLE	OK, I'll be waiting.
MINOR VICTIM 1	[smiley face emoji]
CALLE	[heart emoji]
MINOR VICTIM 1	Hello, good morning.
CALLE	Hello, good morning.
MINOR VICTIM 1	How's your morning? [sends front facing nude photo]
CALLE	Good, Thanks. And the other one?
MINOR VICTIM 1	[sends nude photo depicting backside]
CALLE	[thumbs up emoji]

17. In another conversation beginning on or about December 21, 2023, CALLE asks:

CALLE	Baby, will you send me a video of whatever I want?
MINOR VICTIM 1	Let's see. What do you want?
CALLE	Laying down, nude, lift up your legs, show me everything, close your legs and then open them, then you turn around, get on all fours and you film yourself from behind. Is that too much too ask?

	Hi baby, You never responded.
MINOR VICTIM 1	I was busy.
CALLE	And? What about the video?

18. Continuing on or about December 26, 2023, CALLE writes:

CALLE	Send me the video I asked for. I want to see you.
MINOR VICTIM 1	Okay. I'll send it today.
CALLE	Later? Or in the evening?
MINOR VICTIM 1	In the evening.
CALLE	Ok, I'll be anxious. It will be a long day
MINOR VICTIM 1	I'm embarrassed but can you do me a favor?
CALLE	I've told you baby. Whatever you want.
MINOR VICTIM 1	My mom needs 200. Can you send it to her. I'm embarrassed. They will repay you.
CALLE	Tell them that I will send it but tell them to give part of it to you.
MINOR VICTIM 1	They need it to pay for the electricity. It's 200.
CALLE	Ok, if I send 250 can they give you 50?
MINOR VICTIM 1	Ok. Go ahead. That's fine.

19. CALLE also makes the following requests on or about December 27, 2023, through both text messaging and voice memos via WhatsApp:

CALLE	I'm in bed. Send me something.
MINOR VICTIM 1	I'll send it after I bathe.
CALLE	That's what you always say and then nothing.
MINOR VICTIM 1	This time it's true. How about I send you the video of me masturbating and I don't send you the other one. It's easier.
CALLE	My love. I want it now. I'm in bed excited. If I get up I will lose the excitement. Yes, but do it now because I want to masturbate too. Go to the bathroom and we'll do a video.
MINOR VICTIM 1	Hello
CALLE (voice memo)	Tell me baby. My love answer. Why won't you answer?
MINOR VICTIM 1	I was taking out my clothes. I'm done. I'm going to take a bath.
CALLE (voice memo)	Love, where will you masturbate? In the bathroom or your bedroom?
MINOR VICTIM 1	In the bathroom haha
CALLE (voice memo)	What will you masturbate with? With something or just with your hand?
MINOR VICTIM 1	With my hand.

CALLE (voice memo)	Baby, I want to get a good look at your vagina. I want to see it open and closed. Then you get on all four so I can see your anus. I want hear you moaning.
MINOR VICTIM 1	I don't like to moan.
CALLE (voice memo)	Why don't you like it. When you are horny don't you naturally moan?
MINOR VICTIM 1	No
CALLE (voice memo)	You don't moan when you're penetrated?
MINOR VICTIM 1	No
CALLE (voice memo)	How often do you masturbate?
MINOR VICTIM 1	Almost every day.
CALLE (voice memo)	Really baby? That's great. Why are you so horny?
MINOR VICTIM 1	I don't know. Haha. It's good.
CALLE (voice memo)	Now I really want to hear you.
MINOR VICTIM 1	I'm going to do it how I normally do it.
CALLE (voice memo)	Do it how I like it so that I can masturbate. Do the best you can so that I can enjoy it. If I go to where you live can we be together?
MINOR VICTIM 1	It's loading.
CALLE (voice memo)	Respond to me baby. I ask and you don't answer. You abandon me.
MINOR VICTIM 1	I'm not allowed to go out.
CALLE (voice memo)	Yesterday you told me that we could see each other for a bit.
MINOR VICTIM 1	[sends video of herself nude and masturbating exposing her vagina]

20. In TEXT CHAIN 2, CALLE communicated with an unknown individual. In or around June 2023, CALLE received at least 12 videos depicting prepubescent children engaging in sexually explicit conduct, including a video depicting an adult male rubbing his penis on the bare genitals of a prepubescent female, a video depicting an adult male penetrating the vagina of a prepubescent female, and a video of a prepubescent female performing oral sex on an unknown male.

21. Law enforcement advised CALLE of his *Miranda* rights, and he declined to speak.

CONCLUSION

22. Based on the foregoing facts, I believe that probable cause exists that CALLE violated Title 18, United States Code, Sections 2251(a) and (e), Attempted Production of Visual Depictions Involving Sexual Exploitation of Minors, and 2252(a)(1) and (b)(1), Transportation of Material Involving Sexual Exploitation of Minors.

FURTHER AFFIANT SAYETH NAUGHT.



KENNY SILVA
SPECIAL AGENT
DEPARTMENT OF HOMELAND SECURITY
HOMELAND SECURITY INVESTIGATIONS

Attested to by the applicant in accordance with the requirements of Fed.R.Crim.P. 4.1
by Face Time this 29th day of June, 2024.



HONORABLE JONATHAN GOODMAN
UNITED STATES MAGISTRATE JUDGE